

**OPTOMETRY EXAMINING BOARD
MINUTES
MARCH 18, 2010**

MEMBERS PRESENT: Swaminat Balachandran, Ann Meier Carli, Gregory Foster, Kathi Leach, Richard Wright

MEMBERS EXCUSED: Linda Foley

STAFF PRESENT: Gail Sumi, Bureau Director; Michele Miller Hayes, Legal Counsel; Colleen Baird, Legal Counsel; Karen Rude-Evans, Bureau Assistant, and other DRL Staff.

GUESTS: Peter Theo, Wisconsin Optometric Association

CALL TO ORDER

Gregory Foster, Chair, called the meeting to order at 9:04 a.m. A quorum of five (5) members was confirmed.

INTRODUCTIONS

Gail Sumi introduced herself to the Board as their new Bureau Director. Michele Miller Hayes is the new Legal Counsel and she gave a brief history of her background.

APPROVAL OF AGENDA

Amendments:

- Optometry Examining Board Annual Report
- ARBO PowerPoint Presentation
- Email from Lisa Fennell, ARBO

MOTION: Kathi Leach moved, seconded by Swaminat Balachandran, to approve the March 18, 2010 agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 17, 2009

Amendments:

- On page 1 under MEMBERS PRESENT, correct the name of Swaminat ~~Swaminat~~ Balachandran

MOTION: Swaminat Balachandran moved, seconded by Ann Meier Carli, to approve the minutes of March 19, 2009 as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

DRL Staff Updates

Introductions were made earlier in the meeting for Gail Sumi, Bureau Director, and Michele Miller Hayes, Legal Counsel. Karen Rude-Evans is the new Bureau Assistant working with this Board. John Lease is the Administrator for the Division of Board Services (DBS), which now includes the former Office of Legal Counsel. Additional changes in DBS include Angela Arrington as Bureau Director and Yolanda McGowan as legal counsel.

The Medical Examining Board now has its own bureau with designated staff, including Tom Ryan as the Bureau Director and Karen Rude-Evans as the Bureau Assistant. DOE also has a Medical Board team of attorneys, paralegals and investigators.

There are several changes in the Division of Enforcement. Jim Parker is the Administrator and Charles Facktor is the Attorney Supervisor.

Report from the Board Chair/Vice Chair Training in December 2009

The Board Chair/Vice Chair training in December was well attended. Comments from the attendees were favorable and the training was informative and worthwhile.

Reminder of DOE Case Advisor Training

The Division of Enforcement will hold case advisor training on April 30, 2010. The training will focus on the disciplinary process, case resolution and the role of the board member. All board members, especially new members, are encouraged to attend.

Optometry Examining Board Member Resignation

Linda Foley has resigned from the Board effective today. Board members are encouraged to submit names of qualified individuals to fill this vacancy.

DRL Annual Policy Review

Gail Sumi reviewed the DRL policies with the Board. The reimbursement for the first piece of checked luggage on approved travel has increased to \$25.00. Hotel accommodations for board members who stay overnight are now at the Fairfield Inn and Suites.

Review of the DRL Website and the Optometry Examining Board Information

The new DRL website went live on February 1, 2010. It is a great improvement over the old website. Gail Sumi asked the Board members to review the website and the information related to the Board, and to share any comments or concerns with her.

**PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER
MAILING OF AGENDA**

None.

DISCUSSION OF PROPOSED NEW MODEL LANGUAGE FOR STIPULATIONS

Sharon Henes appeared before the Board to discuss the proposed new model language for monitoring stipulations.

MOTION: Swaminat Balachandran moved, seconded by Richard Wright, to adopt the new model language for the monitoring stipulations. Motion carried unanimously.

**ASSOCIATION OF REGULATORY BOARDS OF OPTOMETRY (ARBO) ANNUAL
MEETING JUNE 13-15, 2010, KISSIMMEE, FLORIDA**

The Board discussed the ARBO Annual Meeting.

MOTION: Ann Carli moved, seconded by Kathi Leach, to authorize Gregory Foster to attend the ARBO Annual Meeting June 13-15, 2010 in Kissimmee, Florida. Motion carried unanimously.

**CONTINUED DISCUSSION OF ASSOCIATION OF REGULATORY BOARDS OF
OPTOMETRY (ARBO) COUNCIL ON OPTOMETRIC PRACTITIONER EDUCATION
(COPE) REQUEST FOR APPROVAL OF COURSE REVIEWERS**

Gregory Foster reviewed the information he received regarding the COPE reviewer application. The application is very generic. No data is collected regarding licensure or disciplinary actions. No Board action was taken.

**PRESENTATION AND DISCUSSION OF OE TRACKER OFFERED BY ARBO
BY LISA FENNEL, OE STAFF**

Lisa Fennel, OE Staff, ARBO, reviewed a PowerPoint presentation with the Board via teleconference. The Board further discussed OE Tracker and determined licensees would have to provide CE certificates if they are audited. The Board requested Jill Remy, Office of Education and Examinations, come to the next meeting to discuss OE Tracker.

**DISCUSSION AND POSSIBLE ACTION ON THE AMERICAN OPTOMETRY
ASSOCIATION (AOA) BOARD CERTIFICATION PROGRAM**

The Board discussed the AOA Board Certification program.

MOTION: Ann Carli moved, seconded by Kathi Leach, to table the discussion of board certification until further information is available and to not make any decision at this time. Motion carried unanimously.

UPDATE ON STATUS OF ASSEMBLY BILL 591, RELATED TO AUTHORIZING CERTAIN OPTOMETRISTS TO DISPENSE CONTACT LENSES THAT DELIVER A THERAPEUTIC PHARMACEUTICAL AGENT

This bill was signed into law by Governor Jim Doyle on March 15, 2010. This information will be added to the DRL website under "What's New."

PRACTICE QUESTIONS RECEIVED BY LEGAL COUNSEL

Can optometrists prescribe for themselves?

Legal Counsel Michele Miller Hayes researched this question and stated there is no express prohibition for optometrist prescribing for themselves, however it should be for therapeutic ocular purposes. Accurate recordkeeping should be maintained for all prescriptions.

Advertising of Eye Examinations

There was concern about offers of free eye examinations. After discussion, the Board determined that this particular situation does not violate the advertising rules.

Practice Question Liaison

Colleen Baird cautioned the Board members about answering practice questions outside of the meetings. Board members may contact the bureau director and legal counsel at any time for consultation.

MOTION: Ann Carli moved, seconded by Kathi Leach, to appoint Richard Wright as the practice question liaison. Motion carried unanimously.

PRACTICE QUESTIONS RECEIVED AFTER MAILING OF THE AGENDA

None.

CORRESPONDENCE AND INQUIRIES RECEIVED BY LEGAL COUNSEL

None.

PUBLIC COMMENTS

Peter Theo would like to have access to legal counsel for consultation on practice questions from members of the WOA. The WOA has concerns about OE Tracker and incomplete information. Mr. Theo was contacted by a member who asked if she could continue to practice under her maiden name when her social security information is under her married name. Michele Miller Hayes stated as long as the license is in the maiden name, the individual may practice under that name.

CONVENE TO CLOSED SESSION

MOTION: Ann Meier Carli moved, seconded by Richard Wright, to adjourn to closed session pursuant to Wisconsin Statutes 19.85(1)(a)(b)(f) and (g), to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Swaminat Balachandran – yes; Ann Meier Carli – yes; Gregory Foster – yes; Kathi Leach – yes; Richard Wright – yes. Motion carried unanimously.

Open session recessed at 11:58 a.m.

RECONVENE TO OPEN SESSION

MOTION: Kathi Leach moved, seconded by Richard Wright, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 12:01 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

REQUEST FROM A.P. FOR CONTINUING EDUCATION ALTERNATIVE DELIVERY METHODS

MOTION: Swaminat Balachandran moved, seconded by Ann Carli, to grant the request of A.P. for alternative delivery methods of continuing education for the 2010-2011 biennium and that all CE requirements must be met. The Board further requested that if the licensee needs to extend the alternative delivery methods into the next biennium, that request, along with medical documentation, should be made to the Board within the first six months of the biennium. Motion carried unanimously.

ADMINISTRATIVE WARNING

09 OPT 011

MOTION: Kathi Leach moved, seconded by Richard Wright, to issue an administrative warning in case number **09 OPT 011**. Motion carried unanimously.

OTHER BOARD BUSINESS

None.

ADJOURNMENT

MOTION: Kathi Leach moved, seconded by Swaminat Balachandran, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:15 p.m.

THE NEXT MEETING IS SCHEDULED FOR JUNE 10, 2010